**REMARKS** 

Applicant acknowledges the Examiner's receipt of Applicant's election of

Group I, Claims 1, 2, 4 and 5 filed on August 14, 2006.

The Examiner has further required the Applicant to expressly identify an

elected species and identify the claims readable on the elected invention, as set

forth in the Office Action dated June 29, 2006. Currently, claims 4 and 5 are

pending in the application.

Breakdown of Claims

As Applicant understands the requirement of the Office Action dated

September 13, 2006, the available species are:

A. Lactobacillus genus

B. Bifidobacterium genus

C. Clostridium butyricum

Applicant elects to expressly identify species B, Bifidobacterium genus, as

the elected lactic acid bacteria. Applicant believes that the removal of

Lactobacillus genus and Clostridium butyricum is fully responsive to the Office

Action dated September 13, 2006.

## **SUMMARY**

Applicant believes that the above remarks are fully responsive to the Office Action dated September 13, 2006. If the Examiner has any questions, Applicant respectfully requests that the Examiner contact the undersigned by telephone at (408) 720-8300.

## **DEPOSIT ACCOUNT AUTHORIZATION**

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 13, 2006

Stephen M. De Klerk

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